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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,639

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Michael R. Bonner

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EXAMINER

LEO, LEONARD R

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

05/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,639	Applicant(s) BONNER, MICHAEL R.	
	Examiner Leonard R. Leo	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-11, 13, 14, 17-29, 31 and 33 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 12, 15, 16, 30 and 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “reinforcement member disposed on said second wall” in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 9, 18-19 and 27 are objected to because of the following informalities: the recitation "planer" should read -- planar --. Appropriate correction is required.

Claim 19 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 19 is a dual recitation of claim 18, from which it depends.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Doshi et al. Doshi et al discloses an elongated conduit 12 having a flexible wall 14 with reinforcing ribs 16, 18.

Regarding claims 18-19, the reinforcement ribs 16, 18 are planar.

Regarding claim 20, the conduit 12 is capable of being inflated by a fluid due to its flexibility.

Regarding claim 22, the conduit 12 is read as having a pair of opposing walls, one of which is arcuate outwardly curving.

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Claims 17, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Redding et al. Figure 2 of Redding et al discloses an elongated conduit 10 having a flexible wall 12 with reinforcing ribs 14.

Regarding claim 20, the conduit 10 is capable of being inflated by a fluid due to its flexibility.

Regarding claim 22, the conduit 10 is read as having a pair of opposing walls, one of which is arcuate outwardly curving.

Claims 17-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. Figure 1 of Williams et al discloses an elongated conduit 2 having a flexible wall with reinforcing ribs 4.

Regarding claims 18-19, the reinforcement ribs 4 are planar in the horizontal direction.

Regarding claim 20, the conduit 2 is capable of being inflated by a fluid due to its flexibility.

Regarding claim 22, the conduit 2 is read as having a pair of opposing walls, one of which is arcuate outwardly curving.

Claims 1-6, 9-10, 13-14, 17-20, 22-28, 31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Gross. Figure 21 of Gross discloses an elongated structure comprising a first conduit 130, a flexible elongated conduit 167 having a relatively rigid elongated reinforcing member 163, and elongated cover 170.

Regarding claims 2-5 and 26, Gross discloses fluid-tight outer conduit 170 composed of a homogeneous relatively flexible material with no integral or superficial structural reinforcement.

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Regarding claims 6, 9-10, 14, 18-19 and 27-28, the reinforcement member 163 extends radially inward with a planar tab 164.

Regarding claims 13, 20 and 31, the conduit 2 is capable of being inflated by a fluid due to its flexibility.

Regarding claims 22 and 33, the conduit 162 is read as having a pair of opposing walls, one of which is arcuate outwardly curving.

Regarding claim 23, the cover 170 is fastened by cement.

Regarding claim 24, the cover 170 is read as forming a "pocket."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross.

Gross discloses all the claimed limitations except a sensor.

The Examiner takes Official Notice of sensors for their use in the heat transfer art to monitor and control the working conditions of the heat exchanger and would be within the level of ordinary skill in the art.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doshi et al, Redding et al or Williams et al.

Doshi et al, Redding et al or Williams et al discloses all the claimed limitations except an arcuate inwardly curving wall.

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The specific shape of the conduit is considered to be an obvious design expedient, producing no new and/or unexpected results and solving no stated problem. One of ordinary skill in the art would employ a cross sectional shape to accommodate a desired working environment.

Allowable Subject Matter

Claims 7-8, 12, 15-16, 30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art to Wright et al, Gilley et al, and Sakuragi related to thermoelectric devices are not pertinent. The cited prior art to Sievers et al related to a fuel cell is not pertinent. The cited prior art to Simeray et al related to a food reheater is not pertinent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard R. Leo whose telephone number is (571) 272-4916. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ Leonard R. Leo /
PRIMARY EXAMINER
ART UNIT 3744

May 11, 2009